

**City of Greensboro Planning Department
Zoning Staff Report
February 14, 2005 Public Hearing**

The information provided in this staff report has been included for the purpose of reviewing proposed zoning changes. Since the zoning process does not require a site plan, there may be additional requirements placed on the property through the Technical Review Committee process to address subdivision and development regulations.

Item: M

Location: The north side of Old Battleground Road between US 220 North (Battleground Avenue) and Michaux Road/White Horse Drive.

Applicant: Isaacson Isaacson & Sheridan

Owner: C. Richard Vaughn, Jr. et al.

From: GO-M, CD-GB, HB, RS-12, RS-20, CD-RM-5 County RS-40.

To: CD-PDM

Conditions:

- 1) Uses: All uses allowed in a CD-PDM excluding light industrial uses.
- 2) This shall be a unified development with a common scheme for signage, building materials, lighting, landscaping, hardscaping (e.g. pavers, textured asphalt and/or concrete and raised crosswalks) and exterior furnishings.
- 3) All perimeter lighting shall be directed toward the interior of the subject development.
- 4) Developer will provide a pedestrian/vehicular access between the commercial section and the two residential townhouse sections.
- 5) Developer will create and provide a centralized pedestrian plaza area to link the major commercial area and residential sections on the west side of Michaux Road.
- 6) Developer will create a pedestrian/vehicular access to the commercial section on Michaux Road to be aligned with the access serving the residential section east of Michaux Road.
- 7) The maximum number of dwelling units within the area classified as Low Residential, as shown on the Generalized Future Land Use Map, shall not exceed 6.0.
- 8) With respect to the commercial buildings fronting on Old Battleground Road, at least 50 percent of the buildings shall be located without intervening parking between the right-of-way line of Old Battleground Road and the buildings fronting Old Battleground Road. With respect to the commercial buildings fronting on US Highway 220 (Battleground Avenue), no more than a double loaded parking bay shall be provided between the buildings and the US Highway 220 right-of-way.
- 9) In the commercial section, Developer will use variation, articulation, fenestration and signature architectural elements on building facades to help create distinct character and human scale to provide the appearance of small neighborhood serving commercial uses.
- 10) In the commercial area of the development only, Developer will lessen the appearance of large expanses of parking by providing landscaping in parking lot areas and designated pathways for pedestrians in amounts exceeding standard ordinance requirements.

- 11) Developer shall construct an additional northbound through lane on Battleground Avenue (US Highway 220) from the intersection of the Old Battleground Road and Horse Pen Creek Road to the northern limits of the commercial component of the development.
- 12) Developer shall construct an additional westbound lane along the north side of Old Battleground Road from Michaux Road to Battleground Avenue. This lane will serve as a westbound right turn lane into the development and at the Battleground Avenue intersection.
- 13) Developer shall close the current driveway located on Old Battleground Road approximately 300 feet east of Battleground Avenue.
- 14) At Site Access No. 1 on Battleground Avenue, Developer shall construct separate westbound left and right turn lanes exiting the site, a southbound left turn lane into the site, and a northbound right turn lane into the site.
- 15) At Site Access No. 2 on Battleground Avenue, if installed, Developer shall construct a westbound right turn lane exiting the site and a northbound right turn lane into the site.
- 16) At Site Access No. 3 on Battleground Avenue, Developer shall construct a channelized southbound left turn lane into the site restricting the westbound left movement exiting the site, a single right turn lane exiting the site, and a northbound right turn lane into the site.
- 17) At Site Access No. 4 on Battleground Avenue, if installed, Developer shall construct a westbound right turn lane exiting the site and a northbound right turn lane into the site.
- 18) There shall be a maximum of one point of access on Old Battleground Road. Separate southbound left and right turn lanes exiting the site, a westbound right turn lane into the site and an eastbound left turn lane into the site shall be constructed by the Developer at Site Access No. 5 (as shown in the Traffic Impact Study).
- 19) Developer shall construct a full movement access drive on Michaux Road at Site Access No. 6 to serve the new townhomes east of Michaux Road.
- 20) Developer shall construct a full movement access drive on Michaux Road at Site Access No. 7 to serve the shopping center. This access shall be designed to prohibit tractor trailers from having direct access to the rear service area, thereby discouraging trucks from entering and exiting the site at this access.
- 21) Developer shall construct a full movement access drive on Michaux Road at Site Access No. 8 to serve the new townhomes west of Michaux Road.

SITE INFORMATION	
Max. Developable Units & Density	593 (6 dwelling units per acre)
Net Density of Developable Land	500
Existing Land Use	Hampton Downs Apartments / Vacant Nursery / Carriage House Shops / Undeveloped
Acreage	103.448
Physical Characteristics	<i>Topography:</i> Rolling <i>Vegetation:</i> Woods & grass <i>Other:</i> Significant streams exist
Overlay Districts	N/A
Historic District/Resources	N/A
Generalized Future Land Use	Mixed Use Residential/Low Residential
Other	N/A

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
<i>North</i>	Brandt Lake Farms Subdivision	Co. RS-40
<i>South</i>	Citgo Gas Station / Undeveloped / Friendship Care Nursing Home	HB / RS-40 / GO-M
<i>East</i>	Highland Meadows Subdivision / White Horse Farms Subdivision	RS-20 / RS-12 (CL)
<i>West</i>	Drugstore (Under Construction) / Vacant Building / Vacant Land & Single Family / Greensboro Academy	HB / CD-GB / RS-40 (Co) / RS-40 (City)

ZONING HISTORY		
Case #	Year	Request Summary
W168	2004	A request to rezone a 24.6-acre portion of this property from RS-20, RS-12, GO-M, HB and CD-GB to Conditional District – General Business was withdrawn by City Council on March 16, 2004. That case had been approved by the Zoning Commission on February 9, 2004 but the case was appealed to the City Council.
3020	2002	The 2.9-acre tract that is currently zoned CD-GB was rezoned from CU-GB to that classification by the Zoning Commission on March 11, 2002 to permit a slight modification of uses allowed on the property. This rezoning added retail wine sales including periodic wine tastings, classes and related wine-tasting events as a permitted use.
2832	2000	A 2.9-acre tract was rezoned from RS-20 to CU-GB by the Zoning Commission on May 8, 2000 for all uses allowed in the LB zoning district plus a restaurant (no drive-thru) as allowed in GB. Several uses were excluded including convenience stores (with or without fuel pumps) and gasoline service stations.
2495-13	1996	The CD-RM-5 portion of this request was part of a city-initiated annexation (Phase 2 Annexation Area) that occurred in 1996. The original zoning of CU-RM-5 was established by City Council on July 2, 1996 with the condition being 92 single family attached for sale units.
2495	1996	The original zoning of RS-20, CU-RM-5, GO-M and HB was established for the portion of the subject property that is presently in the city limits. The effective date of the original zoning was July 11, 1996.

**DIFFERENCES BETWEEN RS-40, RS-20, RS-12, CD-RM-5, GO-M, HB, and CD-GB
(EXISTING) AND CD-PDM (PROPOSED) ZONING DISTRICTS**

RS-40: Primarily intended to accommodate single family detached dwellings on large lots and is intended solely for properties having one or more of the following characteristics: 1) Lies within the 60 DNL noise contour; 2) Lies in a public water supply watershed and where an outfall to provide public sewer service is not available; 3) Lies in a portion of a watershed critical area to which an outfall to provide sewer service has been made pursuant to an agreement, approved by the City and by another governmental jurisdiction, designed to limit development density to approximately that obtainable prior to sewer service.

RS-20: Primarily intended to accommodate low to moderate density single family detached dwellings in developments where public sewer service is required. The overall gross density will typically be 1.9 units per acre or less.

RS-12: Primarily intended to accommodate moderate density single family detached dwellings in developments where public water and sewer service is required. The overall gross density will typically be 3.0 units per acre or less.

CD-RM-5: Primarily intended to accommodate duplexes, twin homes, townhouses, cluster housing, and similar residential uses at a density of 5.0 units per acre or less. The existing CD-RM-5 designation permits 92 single family attached for sale units.

GO-M: Primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a density of 12.0 units per acre or less, and supporting service uses.

HB: Primarily intended to accommodate retail, service, and distributive uses which are typically located along thoroughfares. The district is established to provide locations for establishments which cater primarily to passing motorists and require high visibility and good road access. Developments in this district generally have substantial front setbacks.

CD-GB: Primarily intended to accommodate a wide range of retail, service, and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks. The existing CD-GB designation contains the following conditions: 1) Uses: All uses allowed in the LB zoning district plus restaurants (no drive-thru) and retail wine sales including periodic wine tastings, classes and related wine-tasting events as allowed in the GB zoning district, except the following shall not be permitted: Miniature Golf Course, Convenience Stores (with or without fuel pumps), Gasoline Service Station, Junked Motor Vehicles, Land Clearing and Inert Debris Landfills. 2) No metal buildings. 3) Exterior lighting shall be directed away from adjoining properties. 4) Applicant shall construct and maintain a wood opaque or shadowbox fence along any adjoining residentially zoned property. 5) Applicant shall cooperate with the City's Urban Forester to preserve existing trees along any residentially zoned property.

CD-PDM: Intended to accommodate residential, commercial, and light industrial uses developed on large tracts in accordance with a Unified Development Plan. See conditions for use limitations and other restrictions.

TRANSPORTATION	
Street Classification	Battleground Avenue – Major Thoroughfare, Old Battleground Road – Minor Thoroughfare, Micheaux Road – Local Street.
Site Access	There are still some outstanding issues pertaining to the number and locations of access points for this development. The access issues will be finalized during plan review.
Traffic Counts	Battleground Avenue ADT = 28,693, Old Battleground Road ADT = 7,200.
Trip Generation	24 Hour Weekday Trips = 15,366, 24 Hour Saturday Trips = 19,649, PM Peak Hour Trips = 1,028, Saturday Peak Hour Trips = 1,169
Sidewalks	Requirement per Development Ordinance.
Transit	No.
Traffic Impact Study	Yes, required per TIS Ordinance. See the Additional Information section in this staff report for the Executive Summary of the TIS.
Street Connectivity	N/A.
Other	N/A.

ENVIRONMENTAL REVIEW	
Water Supply Watershed	Yes, Greensboro Watershed Critical Area Tier 3 and 4
Floodplains	None
Streams	Multiple perennial and intermittent streams. Existing pond is also considered perennial (on-line with perennial stream). Perennial streams and pond require a 100' undisturbed buffer on each side measured from top of bank.
Other	Max BUA for Tier 3 portion of site is 30% based on site area in Tier 3. Max BUA for Tier 4 portion of site is 40% based on site area in Tier 4. Max disturbed area for Tier 3 is 60% based on usable area. Max disturbed area for Tier 4 is 75% based on usable area. All proposed BUA must be captured and treated by a state approved BMP. Existing BUA must also be treated to the max extent possible.

LANDSCAPING REQUIREMENTS	
Location	Required Planting Yard Type and Rate
<i>North</i>	Type A Yard - 50' avg. width; 4 canopy/100'; 10 understory/100', 33 shrubs/100'
<i>South</i>	Street Yard - 8' avg. width; 2 canopy/100', 4 understory/100', 17shrubs/100'
<i>East</i>	Type A Yard - 50' avg. width; 4 canopy/100'; 10 understory/100', 33 shrubs/100'
<i>West</i>	Street Yard - 8' avg. width; 2 canopy/100', 4 understory/100', 17shrubs/100'

CONNECTIONS 2025 COMPREHENSIVE PLAN POLICIES

Connections 2025 Written Policies:

Growth at the Fringe Goal: Provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. Development will increase density and mix land uses at a pedestrian scale with sidewalks, bikeways, and where possible, public transit.

POLICY 4G.1: Promote compact development.

Parks, Open Space, and Natural Resources Goal: Protect and restore Greensboro's irreplaceable scenic and natural resources: its system of parks and greenways, urban and woodland tree canopy, stream corridors and wetlands, and air and water quality.

Man-made Environment Goal: Preserve and enhance the character and visual quality of Greensboro's built environment, including historic resources, private developments, and public landscapes.

POLICY 5F.2: Improve design standards for new development to enhance community appearance and sense of place (visual impacts on adjacent neighborhoods).

POLICY 6A.2: Promote mixed-income neighborhoods.

POLICY 6C: Promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing.

POLICY 9A.5: Continue to link City-initiated annexations and approvals of annexation petitions for water/sewer extension policies regarding designated growth areas.

Connections 2025 Map Policies:

The area requested for rezoning lies within the following map classifications:

Mixed Use Residential: This designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. Such use mixes are typically found in older, in-town neighborhoods that accommodate "corner stores" and other local services, as well as in newly developed traditional neighborhood developments (TNDs). This district is also applied in areas suited to a diverse mix of housing types and densities. Ensuring that buildings are of the appropriate scale and intensity is critical.

Low Residential (3-5 d.u./acre): This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Although there are some existing residential areas in the City developed on lots greater than 1/3 acre, future residential developments and "conventional" subdivisions should generally maintain a gross density of no less than three dwellings per acre, except where environmental constraints (e.g., the Watershed Critical Area) prevent such densities from being achieved. Compact developments that include clustered, small lots with substantial retained open space are encouraged.

Watershed Critical Area: Established pursuant to State of North Carolina environmental mandates, Watershed Critical Areas are overlays adjacent to a water supply intake or reservoir where the risk associated with pollution is greater than from the remaining portions of a water supply watershed. The Generalized Future Land Use Map shows the portion of the Watershed Critical Area for the Greensboro Water Supply Watershed that is located within the water/sewer boundary. This Watershed Critical Area drains to Lake Brandt, Lake Higgins, and Lake Townsend, which form the northern boundary of the Comprehensive Plan study area. The predominant land use designation in this area is low residential because of the environmental constraints associated with the Watershed Critical Area.

CONFORMITY WITH OTHER PLANS

The following aspects of relevant plans may be applicable in this case:

City Plans: N/A

Other Plans: N/A

STAFF COMMENTS

Planning: It appears that there is a drainageway crossing this site that is depicted on the City's "Drainageway and Open Space" map. When this site is subdivided, the Subdivision Ordinance would require the dedication of those areas to the City of Greensboro as drainageway and open space. The width of the dedication along that drainageway will depend on the size of the pipe it would take to cross said drainageway. If a crossing would require a 66-inch or greater pipe, the required dedication would include the land between the natural one-hundred-year flood contour lines as determined by the City. That area may be reduced in width by filling provided that a minimum average width of two hundred feet is maintained, a minimum width of one hundred feet is maintained at the narrowest point, no fill is placed within a designated floodway, and no slope greater than three to one is created. Article VII, Section 27-22 Stormwater management control requirements, and federal wetlands regulations will prohibit or restrict fill placement in certain locations. If the crossing would require a pipe smaller than 66-inches the minimum average width would be sixty feet.

When a portion of this property was proposed for CD-GB last year, the Planning Department recommended denial based in large part on the fact that the Generalized Future Land Use Map called for this entire area to be Low Residential at the time. Staff felt that a well-integrated mix of residential uses and local-serving commercial in scale with its surroundings was the more appropriate land use for the area. Subsequent to this, the GFLUM was amended and a good portion of this tract now falls within the Mixed Use Residential land use classification.

Connections 2025 discourages strip commercial development and encourages more diversified mixed-use centers rather than stand alone shopping centers or expanding highway commercial "strips". Staff feels that this proposal is consistent with the designation Mixed Use Residential which applies to neighborhoods where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced.

Connections 2025 speaks very strongly to discouraging segregated land uses in suburban areas by promoting various mixed use forms. For example, the mixed use center which is characterized by shared parking and strong pedestrian linkages where a variety of activities

such as shopping and dining are available is one form that should be recognized and encouraged. The introduction of higher density housing into such centers can serve the needs of those who choose not to or are unable to rely on the automobile. Staff feels that this Conditional District – Planned Unit Development – Mixed proposal encompasses these principles.

The approved sketch plan shows a development in which the three residential sections (condominiums, townhouses, and apartments) are connected to the commercial section with pedestrian linkages.

The conditions address these pedestrian linkages and provide a centralized pedestrian plaza area which links the commercial section with two residential sections. Other conditions provide for a unified development with common signage, building materials, landscaping, and other elements. The developer has included a condition to help insure that the commercial section will have a distinct character and human scale to provide the appearance of small neighborhood serving commercial uses. Other conditions address building location and increased parking lot landscaping which will also enhance the objectives of providing the appearance of small neighborhood serving commercial uses.

GDOT: There are outstanding access issues as well as outstanding right of way issues that will need to be resolved at the plan review stage.

Water Resources: Site also has wetlands. If any disturbance to wetlands is proposed and/or any stream crossing is proposed permits will have to be obtained from the state and corps of engineers prior to construction.

Drainage design must use open vegetated channels wherever possible.

All undisturbed unusable areas must be dedicated and platted as WQCE (Water Quality Conservation Easement).

Site may require on-site detention to meet runoff quantity ordinance.

An appropriately sized drainage easement is required on all channels carrying public runoff (size depends on amount of flow channel carries).

STAFF RECOMMENDATION

Based on all the information contained in this report, the Planning Department recommends approval.

ADDITIONAL INFORMATION

I. Executive Summary

The Battleground Oaks Development is proposed to be located on the northeast corner of Battleground Avenue / Old Battleground Road in Greensboro, North Carolina as shown in Figure 1. This proposed approximate 100-acre development consists of mixed use residential and commercial land uses.

According to the preliminary conceptual sketch plan, the development is proposed to have the following accesses:

- Battleground Avenue – Access #1 is to be a full movement unsignalized access to serve the apartments. Access #2 is a right in / right out also accessing the apartments. Access #3 is a limited movement unsignalized access with a southbound leftover and a westbound right in / right out to serve the commercial development. Access #4 is to be a right-in/right-out unsignalized access.
- Old Battleground Avenue - Access #5 is proposed to be a full movement unsignalized access to serve the commercial development.
- Michaux Road – Accesses #6 and #7 will provide full movement unsignalized access to the townhouses and commercial development. Access #8 is a full movement unsignalized access to the townhouses on the west side of Michaux Road.

The proposed development is projected to generate approximately 15,366 trips per average weekday.

A summary of the Highway Capacity Software Analysis analyzed using Synchro version 6.0 is shown in the following table:

Battleground Oaks Development Level-of-Service Summary			
Intersection	2003 Existing	2007 No-build	2007 Buildout
	PM	PM	PM
Battleground Avenue / Old Battleground Road	D (40.5)	E (64.2) D (53.4) *	F (120.0) E (73.4)* D (48.6)**
Horsepen Creek Road / Carlson Dairy Road	C (24.6)	C (25.6)	C (26.5)
Battleground Avenue / Drawbridge Parkway	B (10.2)	B (12.4)	B (16.8)
Old Battleground Road / Lake Brandt Road	B (19.1))	C (23.6)	C (23.7)
Old Battleground Road / Michaux Road	N/A	N/A	# (2.4) C (19.3) SB
Battleground Avenue / National Heritage Academy / Site Access #1	# (0.3) C (22.1) EB	# (0.3) D (28.6) EB	# (125.6) F (***) WB
Battleground Ave / Site Access #2	N/A	N/A	# (0.1) E (43.2) WB
Battleground Avenue / Site Access #3	N/A	N/A	# (2.2) C (23.7) WB
Battleground Avenue / Site Access #4	N/A	N/A	# (0.6) C (20.7) WB
Old Battleground Road / Site Access #5	N/A	N/A	# (9.3) E (45.2) SB
Michaux Road / Site Access #6	N/A	N/A	# (6.1) B (10.7) WB A (8.7) EB
Michaux Road / Site Access #7	N/A	N/A	# (4.2) A (8.4) EB

No Letter Value Calculated By Synchro, Only An Overall Intersection Delay

* Added a NB Through, Lane and Dual NB lefts consistent with future NCDOT plans.

** Added NB Through lane, dual NB left turn lanes, and WB right turn lane, kept no-build signal timing.

*** Exceeds reasonable amount of delay as determined by Synchro 6.0

Recommended Improvements

This study shows that transportation improvements will be required to provide safe and efficient ingress and egress as well as to enhance traffic operations and public safety in the vicinity of the proposed development. Based on the analysis performed and on-site observations of existing traffic conditions, the following improvements are recommended to be evaluated with the development of the site plan:

Battleground Avenue

- Construct an additional northbound through lane from Old Battleground Road to the northern limits of the commercial component of the development.

Old Battleground Road

- Construct an additional westbound lane along the north side of Old Battleground Road from Michaux Road to Battleground Avenue. This additional lane will serve as a westbound right turn lane at Site Access #5 and Battleground Avenue intersection.
- Close the current drive way located on Old Battleground Road approximately 300 feet east of Battleground Avenue.

Battleground Avenue / Site Access #1

- Construct separate westbound left and right turn lanes exiting the site.
- Construct a southbound left turn lane into the site.
- Construct a northbound right turn lane into the site.

Battleground Avenue / Site Access #2 (Right-in / Right-out Intersection)

- Construct a westbound right turn lane exiting the site.
- Construct a northbound right turn lane into the site.

Battleground Avenue / Site Access #3 (Southbound Left-over Intersection)

- Construct a channelized southbound left turn lane into the site restricting the westbound left movement exiting the site.
- Construct a single right turn lane exiting the site.
- Construct a northbound right turn lane into the site.

Battleground Avenue / Site Access #4 (Right-in / Right-out Intersection)

- Construct a westbound right turn lane exiting the site.
- Construct a northbound right turn lane into the site.

Old Battleground Road / Site Access #5

- Construct separate southbound left and right turn lanes exiting the site.
- Construct a westbound right turn lane into the site.
- Construct an eastbound left turn lane into the site.

Michaux Road / Site Access #6/#7

- Construct a full movement access drive on Michaux Road. No exclusive turn lanes are warranted at this intersection.
- Widen and improve Michaux Road to a minimum of 24 foot facility across the property frontage if required by NCDOT.

Michaux Road/ Site Access #8

- Construct a full movement access drive on Michaux Road. No exclusive turn lanes are warranted at this intersection.
- Widen and improve Michaux Road to a minimum of 24 foot facility across the property frontage if required by NCDOT.

To promote multimodal transportation, it is recommended that sidewalk and/or greenway-type connections between the proposed residential uses (apartments and townhouses) and the proposed commercial center be constructed to facilitate pedestrian and bicycle mobility. Having internal vehicular access between differing land uses is strongly desirable to have an effective and efficient mixed use development.

In addition to the recommended changes, it is recommended that the Old Battleground Road public right-of way which exists in the northeast quadrant of the Battleground Avenue / Old Battleground Road intersection be abandoned. This right-of-way currently is used to provide access to the commercial land uses in the northeast quadrant. All improvements shall be in conformance with the plans for TIP Project R-2309, Battleground Avenue Widening Project.

Conclusions

This study shows that the proposed development will have a significant impact on projected traffic conditions at the Battleground Avenue / Old Battleground Avenue / Horsepen Creek Road intersection. The future NCDOT project will provide the additional capacity that is required to accommodate the projected background traffic volumes. The recommended improvements will mitigate the projected additional traffic at this intersection. The results of the analyses indicate that most of the intersections are projected to operate at acceptable levels of service when the improvements are considered. The exception is the full movement unsignalized intersection (Site Access #1) on Battleground Avenue. This is not uncommon for an unsignalized access on major thoroughfares. The turning volumes are relatively low at this location; therefore, a signal warrant analysis is not recommended.

This study shows that the additional traffic generated by the proposed development will be adequately mitigated with the recommended improvements.